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ABSTRACT

This bulletin issue summarizes major changes in Public Law 94-142 made when the Individuals with Disabilities Education Act (Public Law 101-476) was signed into law on October 30, 1990. The information is organized by Part, from A through E followed by G and H, including: "General Provisions," "Assistance for Education of All Handicapped Individuals," "Centers and Services To Meet Needs of Handicapped Individuals," "Training Personnel for the Education of Handicapped Individuals," "Research in Education of Individuals with Disabilities," "Technology, Educational Media, and Materials for Individuals with Disabilities," and "Early Intervention Services for Infants and Toddlers." Along with descriptions of changes made, the affected sections of Public Law 94-142 are cited. Many of the changes are definitional in nature, while other changes focus on the addition of autism and traumatic brain injury as separate categories for eligibility and reporting, the addition of rehabilitation counseling and social work services to "related services," changes in personnel training, and Individualized Education Program requirements related to transition. (JDD)

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See Inside for a 'Side-by-Side' Profile of Changes in New IDEA

OSEP Says Proposed Regs Due in March

The Office of Special Education Programs says that notices of proposed rulemaking for five substantive changes made by the Individuals with Disabilities Education Act will be published sometime in March.

The proposed regs will cover changes made in PL 94-142 by the new law, including the addition of autism and traumatic brain injury as separate categories for eligibility and reporting, and the addition of rehabilitation counseling and social work services to the definition of "related services." The regs will also address changes in personnel training and IEP requirements related to transition.

Proposed regs will be published for a new transition program authorized by the IDEA and a new program for serious emotional disturbance, as well as 17 changes in the deaf-blind program. OSEP will also publish technical changes in regulations in order to bring the regs into conformance with the Act. Those regs do not require a public comment period to OSEP.

The public will have 90 days to submit comments on the proposed regs. Final regs are expected at or near the deadline set by Congress, of May 30, 1991 which is 240 days after the enactment of new legislation. The Individuals with Disabilities Education Act became law on Oct. 30, 1990 when President Bush signed P.L. 101-476 into law.

The enclosed document summarizes major changes in the Act resulting from the new amendments. Summary information on these selected changes, including new provisions added to the law, is organized by Part (A-H) and, within Part, by provision or program. For each provision that was added or revised by the EHA Amendments of 1990, a brief description of the changes is presented along with the affected EHA section number.

NASDSE has developed an updated printed copy of the Individuals with Disabilities Education Act which incorporates the Individuals with Disabilities Education Act Amendments of 1990. The final reauthorization bill contained more than 80 pages of amendments which affect all portions of the Act. Many of these amendments were effective October 1, 1990.

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Provision	Change	Reference
Title of the law	Changes title to **"Individuals with Disabilities Education Act"** from "Education of the Handicapped Act," and makes the same change in other laws which currently make reference to the EHA.	Sec. 602(a)
References to beneficiaries	All references to "handicapped children" changed to **"children with disabilities"** (similar changes to all references to the word "handicap."	
Definition of "children with disabilities"	Adds two new categories of disability: **"Autism"** and **"Traumatic Brain Injury."**	Sec. 602(a)(1)
Definition of "related services"	Adds **"rehabilitation counseling"** and **"social work services"** (the latter was previously included in regulations, but not in law).	Sec. 602(a)(17)
Definition of "transition services"	Adds **"transition services"** which means: *"a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation."*	Sec. 602(a)(19)
Definition of "individualized education program"	Adds requirement that IEP include: *"(D) a statement of the needed transition services for students beginning no later than age 16 and annually thereafter (and, when determined appropriate for the individual, beginning at age 14 or younger), including, when appropriate, a statement of the interagency responsibilities or linkages (or both) before the student leaves the school setting," and* *(F) In the case where a participating agency, other than the educational agency, fails to provide agreed upon services, the educational agency shall reconvene the IEP team to identify alternative strategies to meet the transition objectives."*	Sec. 602(a)(20)
Definition of "public or private nonprofit agency or organization"	Adds the Bureau of Indian Affairs of the Department of Interior (when it acts on behalf of schools operated by the BIA for children and students on Indian reservations) and tribally controlled schools funded by the Dept. of Interior.	Sec. 602(a)(24)(A)

Provision	Change	Reference
Definition of "assistive technology device" and "assistive technology service"	Adds the same definitions of these terms to the Act as contained in the Technology Related Assistance for Individuals with Disabilities Act (PL 100-407).	Sec. 602(a)(25) Sec. 602(a)(26)
Notice of Inquiry *Attention Deficit Disorder*	Requires Secretary of Education to publish a Notice of Inquiry in the Federal Register to solicit public comments regarding the appropriate components of an operational definition under the Act for the term "attention deficit disorder." Thirty (30) days after enactment of the EHA Amendments of 1990 notice must be published, with 120 days provided for public comment and 30 additional days thereafter to send to Congressional committees a summary of public comments.	Sec. 102 of EHA Amendments of 1990
Abrogation of State Sovereign Immunity	Clarifies Congressional intent that States are not immune under the 11th Amendment of the Constitution from suit in Federal court for a violation of this Act. This provision reverses the June 15, 1989 Supreme Court decision (Dellmuth v. Muth) which held that children with disabilities who are denied FAPE by a State are not entitled to be reimbursed by the State for the tuition paid by their parents for placement in an appropriate program.	Sec. 604(a)
Program planning, evaluation, and reporting for Sec. 618 and Parts C-G	Adds requirement that Secretary maintain a process for developing a program plan for the implementation of each program authorized under Sec. 618 and Parts C-G; such plan must include goals, objectives, strategies and priorities for each program, and must involve professionals, parents, and others in plan development. Secretary must conduct independent evaluations of all programs and report on program plans and evaluations in the annual report to Congress.	Sec. 610(a) Sec. 610(d) Sec. 610(e)
Minority emphasis in discretionary programs and outreach to minority institutions and organizations	Adds requirement that Secretary must require applicants for grants, contracts and cooperative agreements under Parts C-G, where appropriate, to demonstrate how they will address, in whole or in part, the needs of children with disabilities from minority backgrounds. Adds further requirement that Secretary develop and implement a plan of outreach services to increase participation of historically black colleges and universities, other minority institutions of higher education, and minority businesses in competitions under Parts C-G. One (1) percent of funds appropriated under Parts C-G is to be expended annually to implement this plan.	Sec. 610(b) Sec. 610(j)(2)(C)
Multiple transitions	Adds provision permitting the Secretary to require under Parts C-G that applicants address the various transitions that children with disabilities may face during the school years (e.g., transition from medical care to special education, between residential and community-based placements, between separate and regular classroom settings).	Sec. 610(c)

Provision	Change	Reference
Project reports and dissemination	Adds provision requiring Secretary to develop procedures for obtaining and disseminating information resulting from programs and projects under Parts C-G and Sec. 618.	Sec. 610(f)
	Requires Secretary, where appropriate, to require of recipients of grants, contracts and cooperative agreements under Parts C-G: (a) to prepare reports of their procedures and findings in a form that will maximize their dissemination and use, and (b) to require their delivery, as appropriate, to networks and clearinghouses that exchange information (e.g., RRCs and FRRC; NICHCY, HEATH and Professions clearinghouses; NDN; Technical Assistance to Parents Programs; ERIC clearinghouse on the handicapped and gifted; Child and Adolescent Service Systems Program under NIMH; others).	Sec. 610(g)

Provision	Change	Reference
Settlements and Allocations *Indian Reservations*	The Department of Interior is required to develop a plan for the provision of services under the Act to all children with disabilities residing on reservations, whether or not such reservation is served by a Bureau of Interior funded school.	Sec. 611(f)(1)
State Plan: Comprehensive System of Personnel Development (CSPD)	The amendments expand the requirements for the CSPD section of the State Plan. This section must include: (a) a description of the procedures and activities the State will undertake to ensure an adequate supply of qualified special education and related services personnel, including: (1) the development of a system for determining each year -- • the number and type of personnel (including leadership) employed in provision of special education and related services, by specialization, including the number employed on an emergency, provisional or other basis who do not hold State certification/licensure • the number and type of personnel needed currently and projections of anticipated need in five years • the number of students enrolled in IHE training programs • the number of IHE students who graduated with certification, licensure or credentials (2) the development, updating and implementation of a plan that addresses personnel needs, and coordinates and facilitates efforts to recruit, train, and retain qualified personnel (including minorities and persons with disabilities) among education agencies, IHEs and professional associations. (b) a description of procedures and activities the State will undertake to ensure that personnel are appropriately and adequately prepared (e.g., continuing education, dissemination of education research, adoption of promising practices, materials and technology).	Sec. 613(a)(3)

Provision	Change	Reference
Evaluation and Program Information: *General*	The amendments change the title of this section and authorize new/revised activities to increase knowledge, as well as access to and use of this knowledge, to improve programs and foster systems change.	Sec. 618
State Data Requirements	**State Data Requirements** - changes enacted include: • Requires that data on children ages 0-2 be reported by the Part H lead agency • Requires that data on children with **autism and traumatic brain injury** be reported starting in FY 1993 • Replaces requirement for annual data reporting on the **anticipated needs** of students exiting the educational system with requirement that such data (on students in age groups 12-17 and 18-21 who have exited) be obtained by the Secretary every three years using a method determined by Secretary to be appropriate • Deletes requirement for data on **personnel needed**, but requires, starting in FY 1993, that States report data specified in Sec. 613(a)(3) on current and projected personnel needs and personnel employed on emergency/provisional basis • Deletes requirement for annual data on **Federal, State and local expenditures** for special education and related services • Deletes requirement for annual data describing **special education and related services needed** to fully implement the Act • Requires the Secretary to provide technical assistance to State agencies to achieve accurate and comparable data required under Sec. 618(b)	Sec. 618(b)

Provision	Change	Reference
Evaluation and Program Information: *Implementation Inquiries*	**Implementation Inquiries** - the amendments replace general authority to conduct special studies with requirement that the Secretary conduct inquiries/investigations designed to improve *"program management, administration, delivery and effectiveness necessary to provide full educational opportunities and early interventions for all children with disabilities . ."* Such studies are to focus on program and system improvements in such areas as: • criteria and procedures for evaluating and serving children • planning and developing early intervention and special education services • developing and implementing CSPD • developing the capacity to implement practices with potential to integrate children with disabilities with those who are not • other areas such as allocation of resources, transition, interagency coordination, and parent-school communication Studies conducted are to address the needs of State and local education agencies for program improvements, and the Secretary is required to engage in a process for the on-going identification of such needs	Sec. 618(c)
Special Studies	**Special Studies** - the amendments revise the authority to conduct special studies by suggesting study topics to be given first consideration by the Secretary. The purpose of special studies is to assess progress in the implementation of the Act, and to assess the impact and effectiveness of State and local efforts to provide FAPE and early intervention services. Priorities for studies to be conducted are to be published every three years. Suggested study topics include: • Completion of the National Longitudinal Transition Study • Types, number and intensity of related services provided to children with disabilities • Disparity among States in the placement in various educational settings of children with similar disabilities • Factors contributing to the decline in the number of children classified as mentally retarded • Use of out-of-community residential placements for children who are seriously emotionally disturbed, factors that influence selection of such placements, and transition of students back to community-based education programs • Factors related to the types of placements of minority children, involvement of parents of minority children in placement decisions and IEP development and implementation, and support to such parents to participate in the educational process	Sec. 618(e)

Provision	Change	Reference
Evaluation and Program Information: *Knowledge Access and Use*	The amendments add new authority to support projects that organize, synthesize, interpret and integrate information from implementation inquiries and special studies with relevant knowledge from other sources. The purpose of such projects is to improve access to and promote the use of information for improving program management, administration, delivery and effectiveness.	Sec. 618(f)

Provision	Change	Reference
Regional Resource and Federal Centers	The amendments make several clarifying revisions as well as substantive changes to the RRC and FRRC programs: • The Secretary is directed to develop guidelines and criteria for the operation of the RRCs and FRRC, involving a panel comprised of representatives of SEAs, OSEP, and disability advocates in consultation with RRC directors. Operational guidelines must be published in the Federal Register by 7/1/91 for public comment. Guidelines and criteria must include, but are not limited to, a description of: -- how centers will be administered by OSEP -- geographic region each center is to serve -- expected relationships with State agencies, research and demonstration centers, others -- how centers will be evaluated • When reviewing applications for RRC funding, the Secretary must utilize criteria that are consistent with identified needs of States within the region to be served by the center. • The FRRC is authorized (a) to provide information and training, at the request of RRCs, to agencies, institutions and organizations on techniques and approaches for submitting applications for project funds under Parts D through G of the Act, (b) to place priority on providing technical assistance concerning minority children with disabilities, (c) to exchange information with other centers addressing the needs of minority children with disabilities, and (d) to provide assistance to SEAs, through RRCs, for the training of hearing officers.	Sec. 621

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PART C - CENTERS AND SERVICES TO MEET NEEDS OF HANDICAPPED INDIVIDUALS

Provision	Change	Reference
Services for Deaf-Blind Children and Youth	Several changes are authorized by the amendments expanding the program focus to include infants and toddlers who are deaf-blind, and emphasizing the need to increase the ability of school districts to serve children with deaf-blindness. Changes include the following: • Assistance under this program is to be provided to LEAs and to Part H lead agencies • Pilot projects are authorized to expand LEA capabilities to serve deaf-blind children and encourage eventual assumption of funding responsibility by State and local resources • National clearinghouse is authorized to disseminate information, interact with educators and parents, and maintain a computerized data base on local, regional and national resources • A definition of deaf-blind is added for purposes of this section • Deletion of authority to fund state system change grants for severely handicapped, and addition of authority to support projects which conduct research and demonstrations of improvements in existing methods, approaches, or techniques contributing to the adjustment of eligible children	Sec. 622

PART C - CENTERS AND SERVICES TO MEET NEEDS OF HANDICAPPED INDIVIDUALS

Provision	Change	Reference
Early Education for Handicapped Children	Under the **demonstration and outreach program**, the amendments add several new priority areas for funding. Such projects may: • facilitate and improve early identification of children with disabilities or at risk of developmental delay • facilitate the transition of infants from medical care to early intervention services, and from early intervention to preschool special education or regular education services • promote the use of assistive technology devices and services to enhance the development of infants and toddlers with disabilities, and • increase the understanding of and address the needs of young children exposed prenatally to maternal substance abuse	Sec. 623(a)
	The amendments also direct the national **technical assistance** development system (NEC*TAS) to provide assistance to parents of and advocates for young children with disabilities, as well as to direct service and administrative personnel involved with such children. Information from the system is to be disseminated through existing information networks, and assistance provided by the system is to include assistance to Part H lead agencies on procedures for use by primary referral sources in referring a child to appropriate agencies for evaluation or service.	Sec. 623(b)
Programs for Children with Severe Disabilities	The amendments revise certain of the provisions under this program to emphasize the funding of projects that address the needs of children with severe disabilities in **integrated settings**. For example: • statewide projects are authorized to improve the quality of special education and related services and *"to change the delivery of those services from segregated to integrated. environments."* • the Secretary is directed to include a priority on programs that increase the likelihood that children and youth with severe disabilities will be educated with their nondisabled peers. In addition, a new priority has been added authorizing projects for the development and operation of **extended school year demonstrations** for infants, toddlers, children and youth with severe disabilities. The authorization level for this program was increased to permit appropriations sufficient to cover the **system change grants** no longer authorized under the Deaf-Blind Program.	Sec. 624

Provision	Change	Reference
Secondary Education and Transitional Services for Youth with Disabilities	The amendments make minor revisions to the existing authority (e.g., inclusion of community and independent living as a transition focus), authorize activities that address issues related to assistive technology devices/services, and establish a new State grant program to improve transition services. **Priority on Assistive Devices/Services**. Projects funded under the existing program may now include the development and dissemination of *"exemplary programs and practices that meet the unique needs of students who utilize assistive technology devices and services as such students make the transition to postsecondary education, vocational training, competitive employment and continuing education or adult services."* In addition, the amendments direct the funding of one or more demonstration models *"designed to establish appropriate methods of providing, or continuing to provide, assistive technology devices and services to secondary school students are they make the transition to vocational rehabilitation, employment, postsecondary education, or adult services."* Such projects may address the issue of continuity of funding for assistive technology or dissemination of exemplary practices. **New State Grant Program:** A new program of one-time five year grants is authorized, to SEAs and State vocational rehabilitation agencies applying jointly to *"develop, implement, and improve systems to provide transition services for youth with disabilities from age 14 through the age they exit school."* If a VR agency does not participate in a joint application, the SEA may apply jointly with another State agency that provides transition services. Grant funds must be used for: • Increasing the availability, access and quality of transition assistance through the development/improvement of policies, procedures, systems, and other mechanisms for youth and their families • Improve the ability of professionals, parents and advocates to work with such youth to promote the understanding of and capability to successfully make the transition from student to adult • Improve working relationships among educators, relevant State agencies, the private sector, employment agencies, PICS, families and advocates to identify and achieve consensus on the general nature and application of transition services to meet the needs of youth with disabilities	Sec. 626

Provision	Change	Reference
Programs for Children and Youth with Serious Emotional Disturbance	The amendments establish a new program of support for projects to improve special education and related services to children and youth with serious emotional disturbance. Eligible applicants to the program will be IHEs, SEAs and LEAs, and other appropriate public and private nonprofit institutions or agencies. Projects may include, but are not limited to studies of services provided, development of methods and curricula, development and demonstrations of strategies to reduce the use of out-of-community residential programs and increase the use of school district-based programs, developing effective collaboration among educators, related services personnel and others, and developing/demonstrating innovative approaches to prevent children with emotional and behavioral problems from developing serious emotional disturbance. Also authorized are grants to LEAs in collaboration with mental health entities which: • increase the availability, access and quality of community services • improve working relations among education, community mental health and other personnel, families and their advocates • target resources to school settings (e.g., providing access to school and/or community mental health and other resources to students who are in community school settings) • address the needs of minority children	Sec. 627 (new)

PART D - TRAINING PERSONNEL FOR THE EDUCATION OF HANDICAPPED INDIVIDUALS

Provision	Change	Reference
Grants for Personnel Training *Training for Careers*	The amendments add authority to fund **preservice training** in the area of instructional and assistive technology, and place priority on the preparation of personnel from minority groups: • Applicants must describe strategies they will employ to recruit and train members of minority groups and persons with disabilities • IHEs which use grants to support fellowships or traineeships must give priority in the selection of qualified recipients to persons from disadvantaged backgrounds, including minorities and persons with disabilities who are underrepresented in the profession or specialization in which they are being trained • The Secretary is required to make grants to Historically Black Colleges and Universities and other IHEs with minority enrollments of at least 25 percent ($19.25 million are authorized for FY 1991, increasing to $25.6 million in FY 1994) In addition, grant recipients may be required to conduct training on an interdisciplinary basis, designed to assist special educators in coordinating service provision with related services personnel, and to require practica to demonstrate the delivery of related services in a variety of education and community settings.	Sec. 631(a)
Special Projects	The amendments revise the **special projects** authority to provide support for projects to develop and demonstrate effective approaches in such areas as inservice and preservice training for: • early intervention • assistive and instructional technology • personnel to work with minorities • for recruitment and retention of personnel	Sec. 631(b)
Grants to SEAs and IHEs	The amendments authorize SEAs to use grants under this subsection to assist in developing and maintaining its CSPD and conducting personnel recruitment and retention activities. In addition, technical assistance to SEAs is authorized related to the implementation of Sec. 613(a)(3) - the CSPD section of the State Plan.	Sec. 632

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Provision	Change	Reference
Research and Demonstration Projects in the Education of Children with Disabilities	The amendments revise the purpose of the research authority to emphasize **advancing and improving the knowledge base and practice** of professionals, parents, and other providing early intervention, special education, and related services to contribute to improvements in the instruction and learning of children.	Sec. 641
Research and Related Activities	Activities to **improve the provision of instruction** may include: • organization, synthesis and interpretation of current knowledge and identification of knowledge gaps • identification of knowledge and skill competencies needed by personnel • improvement of knowledge regarding the developmental and learning characteristics of children in order to improve the design and effectiveness of interventions and instruction • evaluation of approaches and interventions • development of instructional strategies, techniques, and activities • improvement of curricula and instructional tools • development of assessment techniques, instruments and strategies for the identification, location and evaluation of eligible students and for measurement of their progress • testing of research findings in practice settings • improvement of knowledge regarding families, minorities, LEP and disabling conditions • identification of environmental, organizational, resource and other conditions necessary for effective professional practice	Sec. 641(a)

Provision	Change	Reference
	Activities to **advance the use of such knowledge** by personnel providing services may include: • improvement of knowledge regarding how such individuals learn new knowledge and skills, and strategies for effectively facilitating such learning • organization, integration and presentation of knowledge so it can be incorporated into training programs • expansion and improvement of networks that exchange knowledge and practice information	
Center on Attention Deficit Disorder	The amendments direct the Secretary to fund one or more centers designed ***"to organize, synthesize, and disseminate current knowledge relating to children with attention deficit disorder."*** Information to be disseminated includes assessment techniques, instruments, and strategies for identification, location, evaluation and measurement of progress; competencies needed by professionals providing special education and related services; conditions needed for effective professional practice; developmental and learning characteristics; instructional techniques, strategies and activities.	Sec. 641(f)
Model Demonstration Program for Ombudsman Services	The amendments add a new program of support to demonstrate models for providing services of an ombudsman to assist in resolving problems that are barriers to appropriate educational, related services, or other services for children and youth with disabilities. Ombudsman services must be provided by social workers, parent advocates, psychologists, and persons with similar qualifications.	Sec. 641(g)

Provision	Change	Reference
Technology, Media and Materials	The amendments remove all reference to the phrase "new technology," replacing it with the term "technology." The amendments authorize new activities under this program and place new restrictions on fund recipients: • Funds may be used to increase access to and use of assistive technology devices and assistive technology services in the education of infants, toddlers, children and youth with disabilities and other activities authorized under the Technology Related Assistance for Individuals with Disabilities Act (PL 100-407) as such Act relates to the education of students with disabilities • Funds may be used to examine how program purposes can address the problem of illiteracy among individuals with disabilities • With respect to new technology, media, and materials utilized with funds under this section, the Secretary is directed to make efforts to ensure that such instructional materials are closed captioned • No funds may be awarded under Sec. 661(a)(1)-(4) unless the applicant agrees that activities carried out with the assistance will be coordinated, as appropriate, with the State entity receiving funds under the Title I State Grant Program of PL 100-407	Sec. 661

Provision	Change	Reference
Early Intervention Services for Infants and Toddlers	Two amendments were adopted to emphasize Congressional intent that primary referral sources, such as hospitals and physicians, provide parents of infants and toddlers with disabilities with information about the availability of early intervention services:	
	• Under the Public Awareness component of the statewide system, the lead agency must prepare and disseminate to all primary referral sources information materials for parents on the availability of early intervention services, and procedures for determining the extent to which primary referral sources disseminate information on the availability of early intervention services to parents	Sec. 676(b)(6)
	• Under the CSPD component, the system must include training of primary referral sources regarding the basic components of early intervention services available in the State	Sec. 676(b)(8)

National Association of State Directors of Special Education, Inc.
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